

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Eddie Ray Hall,

Petitioner,

v.

Case No. 20-10924

Jonathan Hemingway, Warden
of Milan Federal Correctional
Institution,

Honorable Sean F. Cox

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR TEMPORARY RESTRAINING ORDER, REQUIRING SERVICE ON
RESPONDENT, AND ORDERING RESPONSE TO § 2241 PETITION**

Acting through counsel, on April 13, 2020, Petitioner Eddie Ray Hall filed an “Emergency Petition for a Writ of Habeas Corpus,” pursuant to 28 U.S.C. § 2241. That Petition asks this Court to order the immediate release of Petitioner from the Milan Federal Correctional Institution, due to the ongoing coronavirus pandemic and Petitioner’s alleged health conditions.

On April 27, 2020, Petitioner filed a “Motion for Temporary Restraining Order” (ECF No. 4) wherein he “moves this Honorable Court pursuant to Fed. R. Civ. P. 65 for a temporary restraining order.” (*Id.* at PageID.41).

Rule 65 of the Federal Rules of Civil Procedure provides that a district court “may issue a temporary restraining order without written or oral notice to the adverse party or its attorney” but only if: 1) “specific facts in an affidavit or a verified complaint clearly show that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition”; and 2) “the movant’s attorney certifies in writing any efforts made to give notice and the reasons why it should not be required.” Fed. R. Civ. P. 65(b).

Here, those requirements for obtaining an ex parte temporary restraining order have not been met. Petitioner's counsel has not certified in writing any efforts made to give notice or explained the reasons why the motion should be granted without giving the adverse party notice. Moreover, given the nature of the requested relief, the Court does not believe it would be appropriate to consider the request without allowing Respondent the opportunity to be heard.

As such, **IT IS ORDERED** that Petitioner's Motion for Temporary Restraining Order is **DENIED**.

IT IS FURTHER ORDERED that Counsel for Petitioner shall serve counsel for Respondent with all filings in this case, and a copy of this order, within three (3) days of the date of this order and file a proof of service.

IT IS FURTHER ORDERED that Respondent shall file a response to the § 2241 Petition within ten (10) days of the date of this order.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: April 30, 2020